CHAPTER – VI

LEGAL PROFESSION
AND LEGAL EDUCATION
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6.1 Introduction

As an officer of the court, the Advocate has to assist the poor and deprived by adhering to Rules of professional conduct. Social accountability of the advocate to bring about access to justice is the need of hour. The concept of legal service is incomplete without legal literacy. The study relates to the role played Advocates, universities, voluntary Organizations and Para legal’s for the promotion of legal literacy which are integral part of legal aid programmes.

6.1.1 Legal Aid and Legal Profession

The history of our own independence movement, if impartially written, will devote more pages to lawyers than to the votaries of any other vocation. It is well accepted proposition that the Profession of Law is a noble calling and the members of the Legal Profession occupy a very high status. The people of India regard lawyers as guardians of their freedom and their rights. The legal profession has to crusade against injustice and exploitation and at the same time assist in promoting changes and development in the law, to benefit the poor and the deprived. The responsibility is heavy, because lawyers have to contribute not only to their purse (of course they have to for their survival) but more so to the happiness of the mankind and ‘the other people’ in the nation. One role of the lawyer in a common law system is to be a balance wheel, a harmonizer, and a reconciler. He must be more than simply a skilled legal mechanic. In a larger sense he must also be a legal architect, engineer, and builder and, from time to time, an inventor as well.

378 C.RamaRao, & Vijaya Lakshmi Tayaru, Y.Nageswar Rao:Professional Ethics & Advocacy, Gayatri Books, Vizag, p68
6.1.1.1 The Advocates Act: Provisions relating to legal aid

The Bar Council of India Constituted a committee for organizing legal aid which provides as follows: A Bar Council may constitute one or more legal aid committees, each of which shall consist of such number of members, not exceeding nine but not less than five, as may be prescribed. The qualifications, the method of selection and the term of office of the members of a legal aid committee shall be such as may be prescribed.

The Bar Council of India rule relating to legal aid which runs thus " Every advocate shall, in the practice of the profession of law, bear in mind that any one genuinely in need of a lawyer is entitled to legal assistance even thought he cannot pay for it fully or adequately and that within the limits of an advocate's economic condition, free legal assistance to the indigent and oppressed is one of the highest obligations an advocate owes to society ". The Bar Council of India Rules on professional conduct also provides that all the advocates will discharge their social responsibilities. Indeed, it is the highest obligation an advocate owes to the society.

The provision of legal aid was considered jointly by lawyers in Third All India Lawyers Conference (1962) and they recommended as follows:

- An indigent accused should be represented by counsel at Government expenses in all cases including proceedings under Section 488 of the Criminal Procedure Code and Jail appeals.
- No Court fee, authentication of copying fee or any other fee be levied upon an accused.
- The expression ‘Pauper’ used in Order XXXIII of the C.P.C. should be replaced by the expression “poor person” or “assisted person”.

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379 Section 9A of the Advocates Act, 1961
380 Rule 46 The Bar Council of India Rules, 1983
381 All India Lawyers Conference (1962)
• The explanation to Rule 1, Order XXXIII of the Code of Civil Procedure should be amended so as to entitle a person who has no property worth Rs. 100 to sue as pauper.
• Order XXXIII of the Code of Civil Procedure should be amended so as to enable a person not only to sue as pauper but to defend suit or proceedings as a pauper.
• Order XXXIII of the Code of Civil Procedure should be further amended so that an assisted person is exempted not only from the payment of court fee but also from the payments of process fee, witnesses diet money and traveling allowance, fee for obtaining copies of judgments. Order or documents.
• Rules of Supreme Court and High Courts should be amended so as to provide counsel to poor person in these courts and other subordinate courts at Government expense.
• Various Bar Associations in the country should organize legal aid committee forthwith at the Tehsil, Taluka, District. High Court and Supreme Courts levels to provide free legal aid to poor persons.
• Bar Association of India should formulate the manner in which both free and partial legal aid may be provided by various Bar Associations.

The problem of implementation of Legal Aid Scheme was again considered by the members of Legal Profession in Maharashtra Lawyer’s Conference (1975) which was attended by a galaxy of people not only from the State of Maharashtra but from all over India. In the Conference Late Prime Minister Mrs. Indira Gandhi also sent a message, which emphasized the need for legal aid to the poor.

The Bar Council of India Trust
The Bar Council of India constituted in 1974. The Bar Council of India Trust. One of the objectives of the Trust is to arrange for legal aid to the poor litigants and to establish, maintain and run legal aid societies at various places where free legal aid may be available to such persons. The Trust is managed by a board of Five Trustees who are members of the B.C.I.

Bar Council of India Legal Aid Rules, 1983

The biggest contribution of the Bar in Legal Aid Movement is, Bar Council of India Legal Aid Rules, 1983 framed to give effective support to legal aid scheme sponsored by Central Government. Under these rules a committee, known as Legal Aid Committee has been constituted consisting of 9 members. The Chairman of the Bar Council is ex-officio Chairman and the Secretary of the Bar Council of India is the Secretary of the said Committee. The term of the office members is of two years. The functions of the Legal Aid Committee are To formulate policies for implementing the legal aid and advice scheme and to see that formulated policies are properly followed by the State Bar Council Legal Aid Committee, District Legal Aid Bodies and also to exercise effective supervision and control over these bodies.

Within the framework of the legal aid scheme, service of qualified lawyers are absolutely essential in whatever manner the legal service are made available to the poor sections of our society and it is immaterial whether it is legal advice or legal representation in the court of law. Lawyer is the pivot for such scheme of legal aid.

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383 Rule 4, of the Bar Council of India Legal Aid Rules, 1983 To arrange Legal Aid Workshops for lawyers and to arrange training programme for lawyers, Para-legal workers and law students, periodically. To prepare Legal Aid Literature. To arrange for the protection of indigents in all cases of aggression. To accelerate Public Interest Litigation. To take appropriate effective measures to locate and assist bonded labourers. To arrange for prosecution or defence to safeguard the interest of women. To take all steps to make the legal aid to poor masses meaningful.
Therefore, the success of any legal aid scheme depends on a great extent on the cooperation of the legal profession.

The Committee suggests\(^{384}\) that lawyers having five years of standing in the legal profession should only be allowed to handle the legal aid matters. Such matters should be given to those lawyers who have attained specialized knowledge and skills in a particular field. There is a need for the development of a specialized skill of advocacy, administration and recruitment, and training of the specialized persons whose knowledge and experience\(^{385}\) may be systematically perpetuated. There must be advocates at the central, state and grass root level for whom legal aid is a full time crusade and carrier. The Advocates, as a class and senior Advocates in particular have a solemn duty to ensure justice to all citizens and particularly to poor and marginalized sections of the society and they should rise up to meet the challenge effectively and successfully for the implementation of Legal Services Authorities Act, 1987.

A lawyer, who is providing legal aid to the poor within the framework of the legal aid scheme of the state, has certain duties to perform. In the traditional sense, a lawyer is required to pay attention on the basis of fee which he receives from him. The relationship between a lawyer and the legally aided person will not change merely because he is contesting his case on the state resources. Advocate assigned in a legal aid matter has an obligation to submit report from time to time to the legal aid committee on the progress and disposal of the case. A lawyer cannot give up the case without any special reason and also without the permission of the legal aid committees, once he accepts it. Under our legal system, lawyers guard the gates to


the temple of justice, hence, the success of legal aid scheme depends on the role of the legal profession. The legal profession owes certain moral and social obligation to members of our society.

Every member of the profession including the busy senior members at its top should make it rigid role to do certain members of cases of a poor every year, since the work of legal aid can be better provided by the experienced lawyers 386. The legal aid is no longer a charity as held a constitutional mandate by supreme court. The need for able advocates therefore cannot be denied and such persons can only enter the field if there were adequate institutions to impart the necessary education and skill 387.

Lawyers have a great responsibility in the contemporary situation to provide legal aid to the poor 388. Pathak C.J. of Supreme Court observes that “both Judges and Lawyers should heed the growing disenchantment with the justice delivery.” 389

Bar Council of India: Legal services at reasonable rates of fees.


387 It is necessary to have qualified lawyers in order that the rule of law is preserved. In fact, in Powell v. Alabama, the US Supreme Court pontificated on the necessity of an advocate in the following words, “Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, if determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, be convicted on improper evidence or evidence irrelevant to the issue or otherwise inadmissible. He lacks both skill and knowledge to adequately prepare his defence, even though he may have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he may not be guilty, he faces the danger of conviction because he knows not how to establish his innocence. If that be true of men of intelligence, how much more trice is if of the ignorant and illiterate, or those of feeble intellect”. The same sentiment was echoed by the Supreme Court of India in Suk Das v. Union Territory of Arunachal Pradesh, when it opined that the absence of legal awareness was responsible for the deception, exploitation and deprivation of rights and benefits of the poor. In such a situation, law ceased to be a protector because the persons it protects are unaware of the protection extended to them.


389 Chief Justice Arthur T. Vanderbilt, stated that a lawyer has five functions. “Counselling, advocacy, improving his profession, the courts and the law, leadership in molding public opinion and the useful fish holding of public office.”
Legal aid schemes are intended to cater to the weaker sections of the people between the affluent class and the poor and indigent there is a vast middle class of clientele which is in need of dependable legal services at reasonable rates of fees. It is possible for the Bar Association of each court to offer dependable legal services at standard rates of fees with the support of leaders of the Bar. It is matter of formulating a scheme and implementing it scrupulously. There are many sound lawyers whose services could be availed for this purpose. The Bar is by and large prepared to make sacrifice of its monetary interest provided they get recognition and respectability in return. The Bar Council of India formulated the schemes and implements the same with the help of the Bar Associations and state bar council all over the country. The time has come when every bar association should plan for rendering legal services to litigant public on payment of a fixed reasonable fee. The advocates has to follow the norms prescribed by bar as a first step litigants, may be encouraged to approach the bar association for professional services. Panels of advocates who are willing to undertake the work assigned by the bar association at fixed rates of fee may be prepared by each bar association. After screening, once the bar association take of the responsibility to provide legal services of the reasonable good quality, the problem of uneven distribution of work among lawyers of all categories can be tackled progressively.

Legal Practitioners (Regulation and Maintenance of Standards in Profession, Protecting the Interest of Clients and Promoting the Rule of Law) Bill, 2010. The Object of the Bill is for the establishment of the Legal Services Board and in respect of its functions; to make provision for, and in connection with, the regulation of persons who carry out the activities of legal practitioners; to make provisions for the establishment of an ombudsman for complaints against the professionals and for a scheme to consider and determine complaints against the legal practitioners; to make provision in respect of providing legal services free of
charge and for connected purposes. Be it enacted by the Parliament in the 60 year of the Republic of India.

**Legal Aid to the Financially Weaker Consumers.**  
Every Legal Practitioner shall be duty bound to give free legal services to the financially weaker consumers/clients who fall just above the income levels prescribed under Section 12(h) of the Legal Services Authorities Act, 1987.

Every legal professional shall provide full information regarding the legal position to consumer/ client relating his case. The services of the legal professional shall be in such a manner as to give an opportunity to the consumer/ client to make informed choices about the quality, access and value of the legal services he requires.

The Central Government shall constitute a body to be called the Legal Services Board to exercise the powers and perform the functions conferred on, or

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390 Sec 27. *Legal Practitioners (Regulation and Maintenance of Standards in Profession, Protecting the Interest of Clients and Promoting the Rule of Law) Bill, 2010* Free Legal Services to the Financially Weaker Consumers / Clients.

391 Sec 2 (c) “*Consumer of Legal Profession*” includes the clients of legal professionals and anyone who might have recourse to legal services because of a legal issue and those who are using or are may be contemplating using services provided by the legal professionals in relation to the legal services arising out of a legal issue.

392 sec 28. The Duty of Legal Professionals to provide honest and true legal advice to the consumers/clients.

393 Sec 4. Constitution of Legal Services Board: The Legal Services Board shall consist of – a Chairman, a Member-Secretary, other nominated members, Out of these five members shall be the Chairmen of the State Bar Councils, representing the Northern, Southern, Western, Eastern and North-Eastern regions of the country. appointed by the President of India in consultation with the Chief Justice of India and the Chairman of the Bar Council of India, possessing such experience and qualifications, as may be prescribed by the Central Government, to exercise such powers and perform such duties under the Chairman of the Legal Services Board. While appointing members of the Legal Services Board, other than from the category of Chairman of the State Bar Councils, regard shall be had such members have experience or knowledge of in the field of – (a) a legal professional; or (b) imparting of legal education; or (c) consumer affairs; or (d) having been a Judge of the High Court; or
assigned to it under this Act. The regulatory objectives” 394 to be achieved are:
(a) protecting and promoting the public interest; (b) supporting the constitutional principle of the rule of law; (c) improving access to justice; (d) protecting and promoting the interests of the clients of the legal practitioners; (g) creating legal awareness amongst the general public and to make the consumers of the legal profession well informed of their legal rights and duties; (h) promoting and maintaining adherence to the professional principles.

6.1.1.2 Social Accountability of an Advocate

“A true lawyer is one who places truth and services in the first place and the emoluments of the profession in the next place only”.

The accountability of the legal profession is complex and varied. 395 It transcends and extends beyond the responsibility to the client and the court. Krishna Iyer as a young lawyer had been involved in rendering free legal services as an individual as far back as 1940s itself. 396 Those lawyers who closely watched him also came forward to join him and provide free legal aid. when he assumed the ministerial portfolio of law he chattered ways and means for the poor and weak and obtain legal assistance. Members of the profession have set even higher standards for themselves. Sri C.R. Das, for example, stoutly defended many patriots in many famous cases without thought of any monetary recompense. Another leading luminary, Sri K.N Katju, defended the accused in the Meerut Conspiracy case despite political and

(e) experienced in competition law; or (f) had been the member of a grievance redressal body at the National level or State level; or

394 Sec 3 The Regulatory objectives
395 Mahatma Gandhi stated “I realised that the true function of a lawyer was to unite parties given as under. The lesson was so indelibly burnt into me that the large part of my time during twenty years of my practice as a lawyer was occupied in bringing about private compromises of hundred of cases. I lost nothing thereby, not even money, certainly not my soul.”
philosophical difference with them, without charging any fees. Sri Katju was to latter become the Law Minister of Free India. Again, when the I.N.A. prisoners were indicted in the Red Fort Trail, Pandit Jawaharlal Nehru himself donned the black robes and led the team of lawyers defending the prisoners.

This hallowed tradition continued to be followed even after independence. Many lawyers have fought for those who have espoused the cause of human rights, or those who have chosen to fight against repression directed against the poor or the under-privileged. But in all these cases it is only the individual lawyers who have rendered assistance to the needy. The time has now come when the profession as such has to consider whether it does owe a duty to society. Ordinarily, the measure of success in the profession is the quantum of income. It is submitted that in the conditions today, this ought not to be the criterion, especially in a country like ours where large masses of people are poor and illiterate, and are in dire need of legal assistance.

Today the lawyers as a class have social responsibilities to make available legal service to those who cannot afford to pay. It is necessary for the class of lawyers to serve poor people more or less in the same fashion as they serve fee paying clients in private practice. In the war on poverty a lawyer is competent to represent the poor individuals in the crisis regardless of his social jurisprudence. he young class of lawyers come forward to solve the social problems of law and poverty. Therefore, it is morally incumbent upon the lawyers to ensure equality and fairness in their professional activities and to render their professional help to those who cannot afford the cost of their services. The legal profession must also work in collaboration with other social service institutions. Therefore, it must be the foremost task of the legal profession to undertake the primary responsibility for the working of the Legal Aid Scheme.
The training and equipment of the lawyer, his close association with the machinery for administration of justice and his knowledge of its procedure tend to make him the fittest instrument for administering a scheme of legal aid. The fullest co-operation of lawyers can only be obtained if they come forward voluntarily. Service oriented legal profession may be a good and big partner in the legal aid programme. “It is sometimes said that the organized Bar has not come forward to discharge its social responsibilities particularly in the matter of giving legal aid to the poor. But on closer analysis this proposition is found to be baseless. Now, legal aid has become a Directive Principle of State Policy and a fashionable rhetoric, the Central Government as well as State Government have come forward to setup appropriate structure for delivery of Legal Aid and the Bar Council of India also strides forward to make the legal aid scheme meaningful and successful.

The role of the lawyer in adversary litigation is now being transformed, though almost imperceptibility, with consequent changes in professional duties and perceptions. Legal aid to the poor and public interest litigation force the lawyer, whether for the Government or the petitioners, to assume roles in adjudication and administration, which come close of policy making, policy evaluation and value-based decision making.

**Lawyers Wings of Social Services**

Professionals alone can render expert assistance in the field of law. But between the lawyer and the justice, consumer is a long distance this distance can be

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bridged by the social service organisations and lawyers wings of social welfare society.

### 6.1.2 Public Interest Lawyering: Advocates: PIL Cases:

In present days, lawyers are providing free legal aid to indigent persons by way of Public Interest Lawyering. The lawyers are more concerned to maintain the rule of law than to protect the interest of their clients. The Public spirited Lawyers through PIL protected the Liberty of under trail prisoners, speedy trail, environment, forest, prevented water pollution, tanniers industrial pollution, banning of injurious and harmful drugs.

An advocate and a social activist Kapila Hingorani filed a First PIL petition in the S.C.on behalf of the under trial prisoners who were languishing in different jails of Bihar for years. Accepting the petition, the court ordered the release of those under-trial prisoners who were kept imprisoned in Jail without trial for years as it is violative of the right to life and liberty guarantee by Article 21 of the Constitution of India.

In 1980, Dr. Upendra Baxi and another law Professor of Delhi University, initiated a Writ Petition before the Supreme Court by sending letter seeking enforcement of constitutional rights of the inmates in Agra Protection Home for Women who were living inhuman condition of detention, on the ground of violation of Article 21 of the constitution. The Supreme Court treating the said letter as writ petition has issued proper and effective direction to the state of U.P and the concerned authorities to make measures to improve living conditions to inmates in the Protective Homes.

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401 Hussainara Khatoon Vs. State of Bihar, AIR 1979 SC 1360
402 Dr. Upendra Baxi v State of UP – (1981) 3 scale 1136
Shri M.C.Mehta, a leading Advocate of the Supreme Court and a noted environmentalist has played a pioneering role in developing environmental consciousness in India through PIL petitions filed before the Apex Court for resolving the environmental problems. Taking note of the increasing environmental degradation, the Supreme Court shifted the traditional requirement of individuals loci-standi to the community oriented public interest litigation. Judiciary has played an important role in the protection and improvement of environment. In the first MC Mehta case\(^{403}\), the supreme court had to deal specifically to impact of activities concerning manufacturing of hazardous products in a factory. The activities were a threat to the workers in the factory, as well as members of the general public living outside. M.C.Mehta an Advocate, an Environmentalist, filed petition under Art.21 and 32 brought to the notice of the Supreme Court as to leakage of Oleum gas from Shriram Food Fertilizers Corporation, New Delhi, in which one person died on the spot and effected the health of several others because of the leakage of the toxic gas. He approached the Court to close and relocate the Shriram Caustic Chlorine and Sulphuric Plant.

The Court was manifestly referring to the concept of right to life in Art 21 and the process of vindication of that right in Art 32. The Supreme Court directed the company manufacturing hazardous and lethal chemicals and gases posing danger to health and life of workmen to people living in its neighbourhood to take necessary safety measures before opening the plant.

Although the second MC Mehta case\(^{404}\) modified some of the conditions, the third MC Mehta case\(^{405}\) posed an important question concerning the amount of

\(^{403}\) M.C.Mehta v. Union of Indi AIR 1987 SC 985
\(^{404}\) M.C Mehta case (AIR 1987 SC 982)
\(^{405}\) M.C Mehta case(AIR 1987 SC1026)
compensation payable to the victims affected by leakage of oleum gas from the factory. This case is significant as it evolved a new jurisprudence of liability to the victims of pollution caused by an industry engaged in hazardous and inherently dangerous activity. The first Mehta case enlarged the scope of the right to live and said that the state had power to restrict hazardous industrial activities for the purpose of protecting the right of the people to live in a healthy environment. The third Mehta case took a step forward and held that victims of pollution hazardous has the right to claim compensation.

An entirely different fact situation was there in the fourth Mehta case\textsuperscript{406}. The tanning industries located on the banks of Ganga were alleged to be polluting the river. The Court issued directions to them to set up effluent plants within six months from the date of the order. The Court held in\textsuperscript{407} that ‘a person interested in protecting the lives of the people who make use of the water flowing in the river Ganga’ has the right to move the Supreme Court. Observed that petitioner although not a riparian owner is entitled to move the court for the enforcement of statutory provisions, as he is the person interested in protecting the lives of the people who make use of Ganga water.

In none of the cases discussed above, has the supreme court held explicitly that the right of environment is contained in the compendium of unremunerated rights to life and personal liberty in Art21. Nevertheless, it is quite evident that, in these cases, the court issued directions under Art.32 of the constitution, which is a provision to enforce fundamental rights: to protect the lives of the people, there health and ecology.

Accepting the Writ Petition of an advocate, a social worker through a PIL the Supreme Court ordered the closure of tanneries at Jajmau place near Kanpur

\textsuperscript{406} AIR 1988 SC1037
\textsuperscript{407} MC Mehta case. (1988) 1 SCC 471
polluting Ganga, directed the Kanpur Nagar Mahabalika to get the dairies shifted to a place outside the city and arrange for removal of wastes and also directed Mahabalika to submit proposals for effective prevention and control of the water pollution within 6 months to the Board constituted under the Water Act.\textsuperscript{408}

The petitioner Mr. M.C. Mehta filed a public interest litigation in the Court drawing the attention of the Court towards the degradation of the Taj Mahal due to the atmospheric pollution caused by a number of foundries, chemically hazardous industries established and functioning around the Taj Mahal, and requested the Court to issue appropriate directions to the authorities concerned to take immediate steps to stop air pollution in the Taj Trapezium (TTZ)\textsuperscript{409}.

An artificial deviation of the flow of river in forest land for the purpose of augmenting facilities of a motel was challenged in this case\textsuperscript{410}. Supreme Court lay down public trust doctrine. The Supreme Court issued directions for checking the vehicle pollution in Delhi.\textsuperscript{411} Court directed that all such commercial and transport vehicles which were 17 to 19 years old shall not be permitted to Ply after 15\textsuperscript{th} Nov 1998.

In Vincent Panikurlangara v. Union of India \textit{(1987) 2 SCC 165}\textsuperscript{412} the petitioner, an advocate and General Secretary of Public Law Service Society, Cochin, filed a petition under Art.32 asking for directions for maintenance of approved standards of drugs and banning of injurious and harmful drugs. It was held that the public interest writ was maintainable as the issues raised by the petitioner were of vital importance, i.e. the maintenance and improvement of public health to prohibit

\begin{thebibliography}{9}
\bibitem{408} MC Mehta V Union of India 1987 4SCC 463
\bibitem{409} M.C.Mehta v. Union of India AIR 1997 SC 735
\bibitem{410} M.C.Mehta v. Kamalanath 1997 1SCC 388
\bibitem{411} M.C.Mehta v. Union of India, AIR 1998 SC 2963
\bibitem{412} Vincent Panikurlangara v. Union of India (1987) 2 SCC 165
\end{thebibliography}
manufacture and trade of sub standard drugs. “A healthy body is the very foundation for all human activities and in welfare state it is the obligation of the state to ensure the creation and the sustaining of conditions congenial to good health.

In a recent ruling of Supreme Court on "Growth of Slums" in Delhi through Public Interest Litigation initiated by lawyers Mr. B.L. Wadhera & Mr. Almitra Patel Court held that large area of public land is covered by the people living in slum area. Departments despite being giving a dig on the slum clearance, it has been found that more and more slums are coming into existence. Instead of "Slum Clearance", there is "Slum Creation" in Delhi. As slums tended to increase; the Court directed the departments to take appropriate action to check the growth of slums and to create an environment worth for living.

The Supreme Court issued directions in number of PIL cases by an advocate to prevent trafficking in women to rescue them, from red light areas in which women are driven or trapped in prostitution. The court held that it is the constitutional duty of the state to make provisions for rehabilitation of prostitutes. In Vishal Jeet v. Union of India and others, a petition was filed under Article 32 at the instance of an advocate by way of a Public Interest Litigation seeking issuance of certain directions, directing the Central Bureau of Investigation: 1. to institute an enquiry against those police officers under whose jurisdiction Red. Light areas as well Devadasi and Jogin traditions are flourishing and to take necessary action against such erring police officers and a law breakers; 2. to bring all the inmates of the red light areas and also those who are engaged in “flesh trade” to protective homes of the respective states and to provide them with proper medical aid, shelter, education and training in various disciplines of life so as to enable them to choose The Court held

that it is neither practicable and possible nor desirable to make a roving enquiry through the CBI throughout the country, to eradicate the malady of child prostitution, Devadasi system and Jogin tradition and will also at the same time protect and safeguard the interest of the children by preventing the of sexual abuse and exploitation. The Court directed the State Government and Governments of Union territories should set up a separate Advisory Committee within this respective zones consisting of the Secretary of the Social Welfare Department or Board, the Secretary of the Law Department, Sociologists, Criminologists member's of the Women's Organization, members of the Indian Council of Child Welfare and Indian Council of Social Welfare as well as the members of Various Voluntary Social Organizations and association etc. The Central Government and Government of States and Union territories should device a machinery of its own a more dignified way of life; and to rehabilitate children of prostitutes.

Again in,\textsuperscript{414} this writ petition Under Article 32 of the constitution was filed by advocate of the Supreme Court as PIL after he had read a reports appearing in the India Today a national magazine July 11, 1988There was a petition seeking improvement in plight of prostitutes/fallen women and their progeny. The Apex Court issued directions for prevention of induction of women, in various forms into prostitution, their rescue from the vile flesh trade; and rehabilitation through various welfare measures so as to provide them with dignity of person, means of livelihood and socio-economic empowerment.

\subsection*{6.2 \hspace{1em} \textbf{Legal Aid and Legal Education}}

The study relates to the Role of Bar Council as to Changes in the law syllabi, introducing practical training component in the law school curriculum,

\hspace{1em}\hspace{1em}\textsuperscript{414} K. Rama Swamy and D.P. Wadwa, J.J. 1997In Gaurav Jain v. Union of India and others \textit{AIR} 1997 SC.3021
which for the most part grew out of the clinical education movement, Academicians responsibility to create awareness and Legal Aid Clinics in Law Colleges.

The purpose of legal education is twofold: One view favouring that legal education should be treated as a part of liberal education; the other view opining that it should be treated as professional education. As liberal education, legal education may serve the society by imparting of law students general and cultural education making them good law abiding citizens. As professional education a legal education equips law students for filling different roles in society, as administrators, lawyers, law teachers, industrial entrepreneurs etc.\(^{415}\)

Legal education in India generally refers to the education of lawyers before entry into practice. Legal education in India is offered by the traditional universities and the specialized law universities and schools only after completion of an undergraduate degree or as an integrate degree. Legal education derives its impetus from the economic, social and political set up of the society. Legal education is a human science which furnishes beyond techniques, skills and competences the basic philosophies, ideologies, critiques, and instrumentalities for the creation and maintenance of a just society.\(^{417}\) Legal education is a broad concept.\(^{418}\) It includes the profession which is practiced in courts, law teaching, law research, administration in different branches where law plays a role and commercial and industrial employments and all other activities which postulate and require the use of legal

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\(^{416}\) Universitas maestro et scholarum signifies a body of masters and scholars


\(^{418}\) Gajendragadkar, Committee on the Re-organization of Legal Education in the University of Delhi, 1964
knowledge and skill. The legal education stands for enhancement of human sensibility and injects a sense of protecting human liberty and equality before law.

The quality and standard of legal education acquired at the law school is reflected through the standard of Bar and Bench and consequently affects the legal system. Ignorance of law is not innocence but a sin which cannot be excused. Thus, legal education is imperative not only to produce good lawyers but also to create cultured law abiding citizens, who are inculcated with concepts of human values, legal ethics and human rights.

Before Independence, Law courses were started in the Hindu College, Calcutta, Elphinstone College, Bombay and at Madras, as early as 1855. For almost a century from 1857 to 1957 a stereotyped system of teaching compulsory subjects under a straight lecture method and the two year course continued. The need for upgrading legal education has been felt for long. Numerous committees were set up periodically to consider and propose reforms in legal education. The University Education Commission, was set up in 1948-49, in the year 1949 the Bombay Legal

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419 The encyclopedia of Education, Indo and Libr, (1971), Vol.5, p.355. Encyclopedia of education defines legal education as a skill for human knowledge which is universally relevant to the lawyer’s art and which deserves special attention in educational institutions. In common parlance it may be termed as a science which deals with the practical aspect of the law of the land and consists of relating on statutes, moots or arguments on points of law and putting of cases. Blackstone says legal education aims at imparting knowledge of the country as part of necessary culture of a gentleman, nobleman and common man engaged in a Learned profession. The law commission also defines legal education as a science which imparts to students knowledge of certain principles and provisions of law to enable them to enter to legal profession. The prime object of legal education is to produce professional lawyers. Mr. Dean Wright of the University of Toronto suggested three objectives of a law school: (a) education in the qualities that should be found in a legal practitioners, (b) education which would train a man not merely in the work of solving problems of individual clients but of the society in which he lives, and (c) To act as a centre of research and criticism and contribution to the better understanding of the laws by which societies are held together. Lord Denning in his address to the society of Public Teachers of Law expressed three purposes of legal education: (1) to show how legal rules have developed, the reasons underlying them at The nexus between legal and social history, (2) To extract the principles underlying the existing legal rules, and (3) To point the right road for future development.

420 S.K Agarwal, "A Report on Legal Education in India-Problems and Perspectives" (1972),
Education Committee, Calcutta University Commission of 1917-1919, was set up to promote legal education. The All India Bar Committee made certain recommendations in 1951. In 1954, XIVth Report the Law Commission (Setalvad Commission) of India discussed the status of legal education and recognized the need for reform in the system of legal education. It depicted a very dismal picture of legal education. It was only from 1958 that many universities switched over to three year law degree courses.

6.2.1 Role of Bar Council of India to promote Legal Education

The Constitution of India basically laid down the duty of imparting education on the States by putting the matter pertaining to education in List II of the Seventh Schedule. But it now forms part of giving concurrent legislative powers to the Union and the States. Legal profession along with the medical and other professions also falls under List III. Empowered by the Constitution to legislate in respect of legal profession, Parliament enacted the Advocates Act, 1961, which brought uniformity in the system of legal practitioners in the form of Advocates and provided for setting up of the Bar Council of India and State Bar Councils in the States. Under the Act, the Bar Council of India is the supreme regulatory body to regulate the legal profession in India and also to ensure the compliance of the laws and maintenance of professional standards by the legal profession in the country.

The Bar Council of India has power to fix a minimum academic standard as a pre-condition for commencement of a studies in law. The Act thus confers on the Bar Council power to prescribe standards of legal education and recognition of law degrees for enrolment of persons as Advocates. However, for promoting legal

421 List III, (Entry 26) of the Constitution of India.
422 Sec.7 of sub-sec (1) clause (h) of the Advocates Act, 1961 Under Sec.7 of sub-sec (1) clause (i) the Bar Council of India is also empowered "to recognize Universities whose degree in law shall be taken as a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities"
education and for laying down standards of legal education, the Universities and State Bar Councils must be effectively consulted. Sec.7 of sub-sec (1)clause (ia) to conduct seminars and organize talks on legal topics by eminent jurists and publish journals and papers of legal interest;(ib) to organise legal aid to the poor in the prescribed manner;(ic) to recognise on a reciprocal basis foreign qualifications in law obtained outside India for the purpose of admission as an advocate under this Act;

The Bar Council of India may constitute one or more funds in the prescribed manner for the purpose of Sec 7 of sub-sec (2)clause(b) giving legal aid or advice in accordance with the rules made in this behalf: Sec 7 of sub-sec (2)clause (c) establishing law libraries. Sec10(2) (b)The Bar Council of India shall constitute the following Standing Committees, namely:—(b) a legal education committee consisting of ten members, of whom five shall be persons elected by the Council from amongst its members and five shall be persons co-opted by the Council who are not members thereof.

To promote Legal Education, the State Bar Councils are empowered under Sec 6 sub-sec(1)clause((ee) to conduct seminars and organise talks on legal topics by eminent jurists and publish journals and paper of legal interest; Sec 6 sub-sec(1)clause (gg) to visit and inspect Universities in accordance with the directions given under clause (i) of sub-section (1) of section 7, sec 6 sub-sec (2)clause(b) giving legal aid or advice in accordance with the rules made in this behalf; sec 6 sub-sec (2)clause (c) establishing law libraries.

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423 Sec 7 of sub-sec (2)
Sec 49(d) empowers Bar Council to make rules prescribing, among other things, the standards of legal education to be observed by Universities in India and the inspection of Universities for that purpose. The Act also envisages the setting up of a Legal Education Committee comprising jurists, lawyers, teachers and so on to advise the Council on policies relating to legal education. The legal education committee conducts periodical inspections of law colleges and lays down standards of legal education that the universities are obliged to carry out.

The Act thus confers on the Bar Council power to prescribe standards of legal education and recognition of law degrees for enrolment of persons as Advocates. However, for promoting legal education and for laying down standards of legal education, the Universities and State Bar Councils must be effectively consulted. The Bar Council of India constituted “Bar Council of India research centre” for the purpose of promotion of legal education and related activities. In 1982 the Bar Council introduced a five year L.L.B. Course after the Higher Secondary Examination (10+2) the duration of such courses is 4 or 5 years. The five years course to be run in full-time institutions. The first two year courses are pre-law compulsory courses the Next three years relates to study in law. The syllabus for these three years contains 18 subjects - 12 compulsory, and six elective law subjects. The BCI can only prescribe minimum standards for entry into bar whereas the universities or the law colleges can prescribe higher standards.

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427 Sobhana Kumar v. Mangalore University (AIR 1985 Karnataka 223) by Rama Jois J
In the field of legal education, the Bar Council of India has undertaken five major steps in collaboration with the Trust and the Legal Education Committee of the Council. Firstly a National Law School with Deemed University status is being set up in Bangalore. This is a model institution for professional legal education pioneering reforms in curriculum development and clinical education. Secondly publication of standard text books in all branches of law as well as law related subjects. Thirdly training to the young law graduates. Fourthly to improve clinical education in law colleges and a scheme of legal aid clinical in law colleges have to be introduced\textsuperscript{428}.

6.2.1.1 The university grants commission : An important development in the area of University Education, including legal education, in India was the establishment of the University Grants Commission (U.G.C.) by an Act of Parliament passed in 1956. While the Act empowers the BCI to promote legal education and to lay down the standards of such education in consultation with the universities and state bar councils, the UGC Act, 1956 imposed a mandate on the UGC to take all such measures as they deem fit for the promotion and co-ordination of university education and for the determination and maintenance of standards of teaching examination and research in universities\textsuperscript{429} The model curriculum has been claimed as the result of interaction between the UGC and the BCI. In the mid-nineties, the BCI moved in and made striking reforms in the LLB programme with more academic inputs and practical courses. They identified papers essential for shaping professional lawyers and made these a part of the curriculum in law schools imparting professional education. However, they had laid down only the number and title of papers to be offered. The Universities were left to evolve details at their own end. To resolve the dilemma of the dual responsibility of the BCI and the UGC, now the model curriculum has been circulated by the UGC after taking into account the views

\textsuperscript{428} Legal Education in India status and problems 1983 B.C.I. Trust 1\textsuperscript{st} edi.
of several workshops, seminars and meetings conducted in different universities on this subject\(^{430}\).

In 1990, the UGC constituted a Curriculum Development Centre (CDC) with Professor Upendra Baxi as chairman, for designing new curriculum in law with a view to promote human resources development. The CDC recognised three main challenges facing legal education: modernisation of syllabi in order to make it socially relevant, multi-disciplinary enrichment of law curricula and corresponding pedagogic modifications. The CDC prepared a detailed curriculum and syllabi for a number of courses\(^{431}\). In spite of the efforts to improve legal education and to support social justice based curriculum reforms, no significant improvement in the standards of law schools was achieved; lack of faculty expertise in the new subjects, unavailability of textbooks, and lack of flexibility in teaching and assessing in subjects like poverty and rural development made these socially relevant courses ineffective. In 1994 The Bar Council constituted a committee Hon'ble Chief Justice, Ahmadi, other members to Report on Reforms in Legal Education and Entry into Legal Profession. Justice A.M. Ahmadi observed that "We have waited long enough to repair the cracks in the legal education system of this country and it is high time that we rise from arm-chairs and start the repair work in right earnest". It is time for us to the wakeup call, and re-alienates ourselves and our academic systems to suite the climate that is available on the road ahead. The Bar Council of India reintroduced a one-year training requirement after graduation from law school in

1994, based on recommendations of the Ahmadi Committee\textsuperscript{432}. However, the BCI received a setback when this rule was struck down in the Supreme Court as \textit{ultra vires} to the Advocates Act. The Court shared the BCI’s concern for developing suitable methods to improve the standards of legal education and the legal profession, but noted that the Bar Council was not competent to pass such a rule and that it could be introduced only by the legislature\textsuperscript{432}.

The Ahmadi Committee Report recommended inclusion of the problem method, moot courts, and mock trials in law school curricula. It also suggested supplementing the lecture method with the case method, tutorials, and other modern techniques for imparting legal education. Further, it recommended that all these new methods be made mandatory. The Committee also suggested the establishment of premier law schools to improve legal education along the lines of the National Law School of India University in Bangalore. As a result, several additional national law schools were established all over India\textsuperscript{433}. Although these national law schools tend to

\textsuperscript{432} Justice A.M. Ahmadi Report, Legal Education and Training at All India Conference of Lawyers 18th November 1994, IBR Vol (4) 1995, P 32. In its report the Committee made recommended that.1 There must be an entrance examination at the stage of admission to the Law Colleges in the University and to the affiliated Law Colleges. A minimum of 50 to 60 per cent or such marks in the entrance examination to be conducted by the Special All India Committee should be obtained by the student for entry into the Law College.2 The Committee advocates the Five Year system of Law Course after 10 + 2 Level.3. The case method (Langdell's method), Problem method etc. must be made compulsory.4. The Legal Education Committee of the Bar Council consisting of representatives of the Judiciary, the Bar Council and the U.G.C. should lay down the norms for the conduct of these examinations.5. Establishment of National Law School type of Colleges in each State. The Rules relating to Law courses five years and three year courses of L.L.B. for the purpose of enrollment as an advocate are prescribed in Sec A & Sec B. for Part - I, Law Degree 6 compulsory subjects. Part - II contains 13compulsory subjects and not less than six more optional papers APENDIX-H (The Practical Training course in the final year shall comprise of 4 papers carrying 400 marks). Bar Council and Management of Legal Profession N.R. Madhava Menon I.B.R., Vol 22 (2 & 3) 1995, P. 153 *See Bar Council of India Training Rules, 1995, Rules 2-15 See V. Sudheer v. Bar Council of India 1999 (3) SCC

\textsuperscript{433} Juridical Science, Calcutta; NALSAR University of Law, Hyderabad; National Law Institute, University, Bhopal; National Law University, Jodhpur; Hidayatulla National Law University, Raipur. Since then, two additional national law schools have been established: Gujarat National Law University in Gandhi Nagar, Gujarat, and the National Institute for Advanced Legal Studies in Kochi, Kerala.
improve legal education, they could not affect a significant improvement as a far larger number of students graduate from other law schools\textsuperscript{434}.

In 1997, following the Ahmadi Committee’s recommendations about practical training and the filing of cases in several high courts challenging its new rule reviving a one-year training requirement under senior advocates, the BCI issued a circular directing all universities and law schools to revise their curricula and directed them to incorporate four Practical Papers\textsuperscript{435}. Until these papers were introduced in the curriculum, very little effort had been made by law schools to train students in advocacy skills. Law schools felt that training law students to work in the legal profession was not the job of the schools but of the Bar. The Bar Council’s action was viewed as a big step toward introducing clinical legal education formally into the curriculum and law schools have been required to introduce the four papers since academic year 1998-99. From 1998 - 1999 the BCI has introduced new syllabus for LLB of 5 year course and 3 years course with 28 subjects. The inclusion of practical papers (PT-IV) Public Interest Lawyering, legal aid, para-legal services is based on social justice mission. The new syllabi gave more emphasis to practical training and directed the Universities to adopt semester system.

Under the new syllabi legal education aims to translate the ideals enshrined in the Indian Constitution in to reality according to a second Curriculum Development

\textsuperscript{434} The Law Commission of India also stressed the need to improve legal education in other colleges which form 99 percent of the law colleges in India: “It is the desire of the Law Commission that the Bar Council of India and the academic community must coordinate and take steps which can result in upgrading the standards of legal education in these colleges which are spread over length and breadth of the country. A few bright-star colleges with limited number of student-intake based on all-India selection is not the end may not result in an overall change in the level of legal education.” LAW COMMISSION OF INDIA, 184TH REPORT,

\textsuperscript{435} On their face, the papers focus mainly on practical training. Paper I addresses instruction in litigation skills, including pre-trial preparation and trial practice. Paper II takes up various drafting skills, including pleading and conveyancing. Paper III covers professional matters, such as ethics and bar-bench relations. The exception is Paper IV, which includes legal aid work and other aspects of public interest lawyering.
Committee, appointed in 2000, the first committee’s recommendations were ambitious in nature, substantive in content (some new subjects were introduced with an interdisciplinary approach, including Law and Poverty and Law and Rural Development), and had a rich vision for the future. Thus, the BCI and UGC have been reasonably active and desirous of maintaining and improving the quality of education. 'Justice' must become central to the law curriculum and community-based learning must give the desired value orientation in the making of a lawyer. This concept of justice education in the field of legal education means that the law school curriculum should entail certain programs like Lok Adalats, Legal Aid & Legal Literacy interviewing and counseling sessions and para-legal training. The complementary teaching methodology of learning by doing and the conventional classroom teaching, through the law school clinics, help in developing the advocacy skills in the law students.

Finally, in 2002 after considering the Ahmadi Committee Report – the Law Commission of India took up legal education reform in its 184th Report. Noting that legal education is fundamental to the judicial system, the Commission suggested that clinical legal education should be made compulsory and opined that clinical legal education will be an excellent supplement to the legal aid system. To regulate professional legal education Law Commission in 184 Report in 2002 titled as the proposed for amendments to the Advocate’s Act and the University Grant Commission Act 1956, however, no effort has been made by the government of India to implement it. LCI points out to that it is the co-joint responsibility of BCI and UGC towards the regulation of professional education. From the year 2009-10 BCI has once again increased this from 28-30 i.e. two additional Subjects.

\[436\] 184 Report on the Legal Education and Professional training
6.2.1.1 **Directorate of Legal Education.**

The Bar council of India established a Directorate of Legal Education in 2010 for the purpose of organizing, running, conducting, holding and administering (a) Continuing Legal Education (b) Teachers Training (c) Advanced Specialized Professional Courses (d) Education Programme for Indian students seeking registration after obtaining Law Degree from a Foreign University (e) Seminar and Workshop (g) Legal Research and (h) any other assignment that may be assigned to it by the Legal Education Committee and the Bar Council of India.

**The All India Bar Examination**

A resolution was adopted by the Bar Council of India on 10 April 2010 to conduct an All India Bar Examination, the passing of which will entitle an advocate to practice law in India. No advocate enrolled under section 24 of the Advocates Act, 1961 shall be entitled to practice under Chapter IV of the Advocates Act, 1961, unless such advocates successfully passes the All India Bar Examination conducted by the Bar Council of India. The Bar Examination shall be mandatory for all law students graduating from academic year 2009-2010 onwards and enrolled as advocates.

6.2.1.2 **National Knowledge Commission and Legal Education in India:**

The National Knowledge Commission (NKC), appointed by the Government of India while deliberating on issues related to knowledge concepts, recognized legal education as an important constitute of professional education. The NKC identified a few key reform proposals which include 1. Taking up regulatory reforms including the constitution of a new Standing Committee for Legal Education.

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consisting eminent lawyers, members of the Bar Council of India, judges, academics, representatives from trade, commerce and industry, economist, social workers, students and others to amen at revamping legal education to meet the needs and challenges of all sections of society. 2. Prioritizing quality and developing a rating System in the law schools. 3. Development of curriculum development interwoven with related contemporary issues, including international and comparative law perspectives. 4. Reforming the examination system by revising the prevailing examination systems and suggest the development of evaluation methods that test critical reasoning by encouraging essential analytical, writing and communication skills. 5. Introduction measures to attract and retain talented faculty by improving remuneration and service conditions and by ensuring adequate incentivization for faculty without compromising on the maintenance of consistent academic quality.

6. Developing a research tradition in law schools and universities. 7. Establishment of Centers for Advanced Legal Studies and Research (CALSAR), to carry out cutting edge research on various aspects of law and also serve as a think-tank for advising the government in national and internationalization to promote such international perspectives include building collaborations and partnerships with noted foreign universities for award of joint/dual degrees…, legal databases and excellent libraries in the institutions teaching law.

It is noteworthy that the Government of India has introduced certain reformatory measures in response to the said recommendations. They include the framing of the new legal Education Rules by the BCI in 2008, proposal to divest the regulatory controls hitherto to exercised by BCI and to vest the same in the proposal NCHER and the constitution of the Legal Education Commission of the BCI. BCI
spoked that they would request the govt that the HRD Ministry proposal to have control over the legal profession be dropped.439

"The Bar Council of India (BCI) has been opposing the Higher Education Research (HER) Bill, which is aimed at regulating legal education, saying it is an attempt to take away their powers and hand them over to nominees of the HRD ministry," said by the chairmen of Bar Council of India. By way of the proposed bill, the government is trying to take away the BCI's power and trying to replace the BCI's legal education committee with a National Accreditation Regulatory Authority which will decide whether or not to grant approval to educational institutions. It called for Advocates Strike on July 11 and 12.2012.440

6.3 Role of Universities: To Promote Legal Awareness

One of the most striking features of the Indian scene is the massive ignorance of the people of their Constitutional and other legal rights, ignorance of the what law, it is Signal to all wise men to focus their attention and gird up their lions in the sacred mission of guarantying in practice justice to all and universal legal literacy. The first step towards the knowledge of law is Legal Literacy. Legal Literacy can be normally understood as knowing the law at a very basic level. When citizens particularly know about the law and their rights, they can recognize and challenge injustice much more forcefully. State Govts established Law schools, Universities to promote legal Education and legal awareness for achieving social and economic justice for all. With growing importance for quality legal education, various national law schools acquired lot of importance. The researcher would like to state the objectives of Universities, national law schools established to promote legal and ethical values and to achieve the objectives enshrined in the constitution of India.17

439The Hindu Nov 21, 2011.
440Lawyers urged to strike work on July 11, 12 http://articles.timesofindia.indiatimes.com/2012-07-10/goa/32617752_1_sgaa-bci-legal-education
President Pratibha Devisingh Patil[^1], while addressing the role of universities in a nation said that, "Universities help a nation in giving it economic vitality, scientific prowess, a broad outline of social change and global competitiveness, through innovation and research." Emphasizing upon the need for the outreach programmes in the universities, she felt that such an initiative helps students to interact with local communities and understand issues."Those who are educated must work for the upliftment of the disadvantaged sections of society. They can undertake social welfare work, become messengers of change and in this way, become individuals who have a sense of responsibility to society."

The constitution of India granted liberty, equality to women, but there is misuse and exploitation of these liberal principles, to protect women. The Supreme Court in Dr.Upendra Baxi (I) v. State of U.P. [^17] entertained a letter sent by the two professors of Delhi University seeking enforcement of the constitutional right of the inmates in a Protective Home at Agra who were living in inhuman and degrading conditions in blatant violation of Article 21 of the Constitution Mr. Justice Thakker, the then Judge of the Gujarat High Court while taking his breakfast read in a newspaper, a widow narrating her tale of woe and suffering for not having been paid pension for a long time and unable to approach the court for want of funds. He entertained the newspaper report as a writ petition and issued rules nisi and ensured payment within recorded time of two weeks to the pleasant surprise of the widow that received the payment at her house.

The Bar Council of India established the **National Law School of India University** in Bangalore. These law universities were meant to offer a multi-

[^1]: focus/November_2009/President_underlines_role_of_universities_in_a_nation_9654/
[^17]: http://www.indiaedunews.net/in- at the 22nd Annual Convocation Ceremony of Goa University and her Conferment of the honorary Degree of D. LITT
disciplinary and integrated approach to legal education. It was therefore for the first time that a law degree other than LL.B. or B.L. was granted in India. National Law School offered a five years law course upon the successful completion of which an integrated degree with the title of "B.A., LL.B. (Honours)" would be granted. Thereafter other law universities were set up, all offering five years integrated law degree with different nomenclature.

The Indian law institute which has been established at New Delhi on 27th December, 1956 is an International Center for advanced socio-legal research, with the view to primarily to promote legal research, education and training. It as an autonomous body registered under the Society Registration Act. The objectives of the Institution are:

- To evolve and impart comprehensive legal education at all levels to achieve excellence.

Domodaram Sanjivayya National Law University came into existence in Andhra Pradesh with Visakhapatnam as Main Campus and two branches at Kadapa and Nizamabad. The object of University of Law is to build on the traditional ethos of Andhra Pradesh and create a temple of learning. It aims at imparting quality legal education and organize advanced studies and research in all branches of law. The main objectives are:

- To promote the diffusion of the knowledge of law and its administration and principles on which they are based. To promote the improvement of legal education and to impart instructions in law and allied fields. To cooperate with other societies, institutions and organisations, national and international in the pursuit of all or any of the above objects.

http://www.ilidelhi.org

http://www.apulvisakha.org/Objectives.html

In as per the decision of the Council of Ministers meeting held on 30-06-2008 the Governor of Andhra Pradesh promulgated the Andhra Pradesh University of Law Ordinance, 2008 on 8th July 2008. Subsequently the cabinet on 04-08-2008 approved Andhra Pradesh University of Law Bill, 2008, replacing the Ordinance and this Bill was passed by the State Legislature on 28th August 2008 and became an Act after the same was assented to by the Governor on 23rd September 2008.
• To promote cultural, legal and ethical values with a view to promote and foster the rule of law and objectives enshrined in the Constitution of India.
• To promote legal awareness for achieving Social and Economic Justice for all.

The National Law University, Jodhpur\(^{444}\) is one of the leading law schools of the country. It is the only University in India which engages in the finest experiment of converging legal knowledge with other disciplines like management, finance, economics and science. The main objectives are: To increase legal awareness in the community and further the cause of social justice by providing legal aid to the underprivileged sections of the society.

The objectives of The West Bengal National University of Juridical Sciences\(^{445}\) inter alia are to advance and disseminate learning and knowledge of law and legal processes and their role in national development, promote legal knowledge and to make law and the legal process efficient instruments of social development, development in the student and research scholar a sense of responsibility to serve society in the field of law by developing skills with regard to advocacy, legal service, legislation, law reforms and the like.

NALSAR University of Law 1998 under the National Academy of Legal Studies and Research University Act (Andhra Pradesh Act 34 of 1998) of the Andhra Pradesh State Legislature\(^{446}\). LEGAL ASSISTANCE PROGRAMME FOR LAND (LAPL) One day programme on 8th April, 2006 was organised for law students of DNR Law College, Bhimavaram on Land Issues. The programme was attended by 40 law students. One week training programme for 40 para-legals from Kadapa District was organised by NALSAR in collaboration with Society for

\(^{444}\) http://www.nlujodhpur.ac.in/
\(^{445}\) http://www.nujs.edu
\(^{446}\) http://www.nalsar.ac.in/research.html
Elimination of Rural Poverty (SERP), Hyderabad from May 3-9, 2006 at Shameerpet Campus.

The National Law Institute University (NLIU) has been established by Act No. 41 of 1997 of the Madhya Pradesh. The Objectives of the University is to advance and disseminate learning and knowledge of law and legal processes and their role in national development.

National University of Study and Research in Law, Ranchi has been established to further the cause of legal education.

The Objectives of the Universities like Sri Padmavati Mahila Viswa vidhalayam, Tirupati Andhra University, Visakhapatnam, L.L.M/ L.L.M.Ph.D Courses are to advance and disseminate learning and knowledge of law and legal processes and their role in national development; To develop in the student and research scholar a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, Judicial and other legal services, legislation, law reforms in the existing laws and the like; to organize lectures, seminars, symposia and conferences, to promote legal knowledge and to make law and legal process efficient instrument of social development.

6.2.3 Clinical Legal Education: Legal Aid Clinics in Law Colleges

Clinical programmes have increased their emphasis on professional skills training. Social justice and clinical legal education developed in India since the late 1960s and early 1970s, when modern clinical legal education was first coming into

http://www.nliu.com/new/
http://nusrlranchi.com/
http://www.minglebox.com/college/Sri-Padmavati-Mahila-Visvav...

w.w.w Frank s. Bloch* and m. R. K. Prasad : Institutionalizing a social justice mission for clinical legal education: Cross-national currents from india and the united states.
its own and law schools introduced the new clinical teaching methodology through the establishment of legal aid clinics, in which law students provide various forms of legal aid services. In India, the basic model of clinical legal education promotes professional skills training and law school involvement in social justice.

The Bar Council of India has mandated for all Indian law schools. Four “Practical Papers” These papers require the teaching of a variety of lawyering skills and a certain level of legal aid work, which can serve to institutionalize social justice-based clinical legal education in India. Legal Aid has become a part of the curriculum of Indian law schools so as to cultivate professional skills and service orientation among the students. For this Bar council of India prepared a scheme for Legal Aid Clinic in law colleges Legal Aid Clinic is a center to provide Legal and Para-legal services to the needy people. The clinical Legal education forms an integral part of the L.L.B course and has proved to be a success in 1998 to 1999 it was extended to 3 year L.L.B. also. Legal Aid Clinic’s functioning proved that if law students were given proper assistance they would behave a responsible professionals in giving legal services to the poor students can improve their skills by interviewing the clients collecting data drafting documents, guiding the needy litigants, counseling and similar service.

**Permanent Legal Aid Clinics attached to the Law Colleges and Law Universities**

Besides the student legal aid clinics in the rural areas, law colleges and law universities also may set up permanent legal aid clinics attached to their institutions and the legal aid clinics so established will function with the co-ordination of State Legal Service Authorities. The clinics function with the help of trained para-legal volunteers for assisting the seekers of legal aid and for interacting with the students.

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451 [http://nalsa.gov.in. The National Legal Services Authority (LEGAL AID CLINICS) SCHEME, 2010](http://nalsa.gov.in)
and the members of faculty. The State Legal Services Authorities shall conduct periodical review of the functioning of legal aid clinics. The students in the final year classes render legal services and the junior students may assist them. Legal service clinics of the law schools, give the students the scope of dealing with clients’ real problem. The student’s legal aid clinic shall always be under the supervision of a faculty member who shall be present in such clinics for immediate consultation. Law students of the law colleges / law universities may be engaged to adopt a village especially in the remote areas and organise legal aid camps with the assistance of the para-legal volunteers and voluntary social welfare institutions working at the grass-root level. The Student legal aid clinics may conduct surveys and prepare reports they shall send reports to the State Legal Services Authorities with copies to the legal services institutions having territorial jurisdiction and also to the District Legal Services Authorities concerned. Clinical legal Education should be given more emphasis, so that students can learn the law through experience and experience the role of law and legal in society along with acquiring professional skills.452

Legal Service Clinic:

Clinical legal education constitutes an important tool for getting practical training on lawyering skills for law students and rendering legal services to the poor. The legal service clinic situated in the premises of MRVRGR Law College, Vizianagaram. The clinic runs under the guidance of three faculty member and with the assistance of students. The advice is to be given during college hours 8.30 AM to 2.00 PM.

452 Prakash Chandra Shukla, Legal Education in India: Challenges and prospects, NyayaDeep 2011, 31-46 at p.45
ADDRESS:
Secretary
District Legal Service Authority
Vizianagaram
08922-255767

Protection Officers
Visakhapatnam
0891-27061556
9440814575

Protection Officers
Vizianagaram
08922-277985
9440814582

Protection Officers
Srikakulam
08942-221276
9440814582

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The new approach to the study of law brought forth the concept of clinical legal education into limelight as a means of making legal education system more
socially relevant and professionally significant. In India Clinical legal education has now become an integral part of the curriculum in undergraduate programmes of law and is placed high on the educational agenda of many reputed law schools and universities throughout the world. In the US, which is regarded as the home of clinical legal education, 90 percent of law schools use some form of clinical approach, and the law school clinic is firmly entrenched as an important vehicle through which instruction is given in the theory and practice of law. Similar development have taken place and are now taking place in Australia, Canada, India, Malaysia, South Africa and the South Pacific. In Canada, and more recently in Australia, the value of clinical methods has been recognized and praised in governmental reviews leading to the expansion of such programmes in law schools.\textsuperscript{453}

Clinical legal education is defined in Narrower and Broader Perspective.\textsuperscript{454} In the narrowest definition the term denotes the involvement of law students in the representation of actual clients as part of their legal education. More broadly, the term emphasized the learning of “Practical skills’ in addition to substantive and procedural rules of law ,it includes moot courts , courses in trail advocacy and courses in legal drafting. In present scenario, legal education was expected to bring the legal system in tune with the social, economic, and political desires of the country. With 1000 law schools could play a pivotal role in promoting and providing justice, particularly through the field of legal aid.

Legal education programmes must compulsory expose students to the problems of poverty social exclusion, social change and environmental degradation through clinical legal education. Clinical methodology is most often described as

\textsuperscript{453} supra note 1 at
"learning through doing"\textsuperscript{455}. The concept is borrowed from medical education where medical students learn diagnosis and treatment around sick patients in a hospital under the direct supervision and guidance of hospital doctors. The unique aspect of the clinical method is the active participation of the students under faculty guidance and supervision. In the context of legal education, it refers to any law school course or programme in which law students participate in doing what lawyers usually do including representation of clients under the supervision of a lawyer/teacher. It also includes teaching and guiding students to look at issues from diverse points of view in order to understand the legal process in the context of social policies and processes. The two outstanding features of clinical legal education are the related fields of interviewing and counseling\textsuperscript{456}.

Clinical legal education should be viewed not only as a way of enriching legal education with professional training, but as a means of stimulating law schools to attend to the legal needs of the poor and minorities, and engaging students in the pursuit of social justice in Indian Society. Clinical programmes and methods engage the student in a whole range of learning objectives necessary to think and act like a lawyer, particularly when the student deals with real life situations in a legal aid clinic. Clinical education is as much a new methodology as it is a vehicle for teaching new subject-matter in law, substantive areas such as relationship between substantive and procedural rules and the early development of a case through facts of social relationships can be learnt better through practice in a clinical setting than by lectures or discussion.

\textsuperscript{455} Andrew Petter, analyzing the learning process in relation to law school curriculum, identifies two distinct educational objectives, namely, (a) subject-matter objectives (what subject areas in the law the student should be familiar with) and (b) the learning objectives (the manner in which the teacher wishes a student to be able to deal with the subject-matter, naturally dictated by the goals of legal education) *

\textsuperscript{456} supra note23 at 99 The objectives of clinical work falls basically into five areas (1) legal skills and development (2) legal and extra legal system operation knowledge; (3) professional responsibility growth (4) self knowledge and (5) human relation understandings
Legal awareness camp was organized by M.R.V.R.G.R. Law College Viziayanagram at Jami Mandalam on 3-10-2010 to disseminate information on the Legal Services Authorities Act, 1987 and Child Rights.
MR .Law College vzm, organized legal awareness camp to create awareness on legal service authority act and schemes with the students of Law College at Sitaramapuram mandal on March.

DLSA VZM in collaboration with M.R Law College (vzm) organized Human Rights day on Dec10, 2011 secretary Smt. Kanaka Durga and law faculty as a resource persons secretary spoke that legal literacy camps were organized in jails by the authorities for spreading awareness about “Plea-Bargaining”. 
1) **DLSA vijayanagaram**, organized legal awareness camp at kondakarkam Secretary of DLSA,Sri AnjaneyaSarma, Senior advocate Sri D.Venkatarao, with the
assistance of advocate, law faculty and social worker as resource persons to spread legal awareness about the rights of the people.
LEGAL AID THROUGH VOLUNTARY ORGANIZATIONS*

As The State alone cannot perform free Legal Aid and Advice to the poor and needy but all the more it is absolutely necessary for the voluntary organizations to give them necessary legal support in seeking redressal of grievances through the instrumentalities of law and to make the legal aid and Advice accessible to the vast masses of illiterate and the suffering poor.

Origin of Non Governmental Organisation

Non-Government Organizations (NGOs) and Voluntary organisations have been part of the historical legacy. In early 20th century, several voluntary efforts were started in the fields of education, health etc. The NGOs became prominent after independence, especially after 1970s. Development practitioners, government officials and foreign donors consider that Non-Governmental organizations by the virtue of being small scale, flexible, innovative and participatory, are more successful in reaching the poor and in poverty alleviating. This consideration has resulted in the rapid growth of NGOs involved in initiating and implementing the Laws. Bhagawati C.J observed “The Voluntary organization and social action groups must be encouraged and supported by the state in operating the legal aid programmes. It is acknowledged that the legal aid programme which is needed for the purpose of reaching social justice to the people cannot afford to remain confirmed to the traditional or litigation oriented legal aid programme but it must, taking into account the socio-economic conditions prevailing in the country, adopt a more dynamic

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457 See Internal Encyclopaedia of Social Sciences Volume 16 p 358,
The term 'Voluntarism' derived from the Latin word 'Voluntas' which means "Will" or "Freedom". Harold Laski, an eminent British Political Scientist defined, "Freedom of Association" as a recognized Legal Right on the part of all persons to combine for the promotion of purposes in which they are interested.
In the U.N. Terminology Voluntary Association are called NGO's these are also identical as Volage (Voluntary Agencies) and AG's( Action Groups).
According to Lord Beveridge, A Voluntary Association properly speaking is an organization which whether its workers are paid or unpaid is initiated and governed by its own members without external control. Michall Banton defines it as a group organized for the pursuit of one interest or of several interests in common.
posture and take within its sweep what may be called legal aid schemes or the State Legal Aid and Advice Board, but such Voluntary organization or Social action group must not be under to control of direction or Supervision of the State Government or the State Legal Aid and Advice Board because Voluntary Organizations and social action groups operating these programmes should be totally free from any Governmental control” because 70% of the people living in rural areas, slums and labour colonies are illiterate, ignorant and not aware of the legal rights conferred upon them by law.” The Legal Aid programmes consisting of promotion of legal literacy, organisation of legal aid camp, encouragement of public interest litigation and holding of Lok Adalat or Niti Melas for bringing about the settlement of disputes whether pending in the Court or outside, with the assistance of these voluntary institutions and social action groups.  

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The role of voluntary organizations in a democratic society is very significant for achieving socialist goals and also for restructuring the social and economic institutions. The ignorance of law is not only no excuse but also visits one with dreadful consequences. Our Constitutional commitment to the rule of law becomes an empty dream when rule of law is beyond the grasp of the common man. The universally acknowledged human rights, the fundamental rights enshrined in the Constitution and all the statutory rights adored by citizens would become illusory rights for those who are not aware of them.

458 B.Venkateswararao, “Effective functioning of legal aid system”
459 Centre for Legal Research and another Vs State of Kerala    AIR-J-1998 –P-5The petitioner is Voluntary Social Organization. Its main function are to spread legal awareness among the people, and to render legal services to the poor and needy people, The court held that the state government undoubtedly has an obligation under Article 39-A of the constitution which embodies Directive principles of state policy to set up a comprehensive and effective legal aid programme in order to ensure that the operation of the legal system promotes justice on the basis of equality.
The concept of “legal service” would ever remain incomplete unless it includes empowerment through “legal literacy”. For true empowerment of the underprivileged, legal literacy in most simplified form has to be spread. The Expert Committee, in its Report, has emphasized the necessity of voluntary organizations in the following words “The object of legal aid is to bridge not only the gap between the Rights which our people deserve and that which they have, but also the One between the rights conferred on them by law and the prospects of their enforcement. If legal aid is conceived not as an arithmetical total of instances and official assistance render in matters of law to the Needs and indigent but as a movement aiming to secure for the people there just right, the role of voluntary agencies in any such scheme will be largely self-evident” The social worker can play active and useful role in securing necessary cooperation by becoming a link between the person seeking aid and the aid rendered social welfare agency. He can be an asset in the service rendered by voluntary legal aid organization voluntary organizations can able to locate areas where the application of law is hard on the poor. In this regard the Expert committee observed “wherein the law itself operates harshly on the poor to promote public interest, litigation wherein it would not be worth the while of any one individual to file a suit….para-legal services can also be performed by voluntary agencies such as by ascertaining the facts relevant to legal dispute and inappropriate cases advising the parties to adopt non- legal remedies of settlement”.

ROLE OF PARA-LEGAL SERVICES IN LEGAL EDUCATION

The main object of the Constitution is to ensure social, economic and legal justice to the citizens. The legal aid schemes, public interest litigation and para-legal services are being used as effective tools for ensuring justice to the people, particularly, the poor, helpless and marginalized sections of the society. para-legal

services should be considered as an integral part of the legal aid programme and statutorily recognized.

The constitutional recognition to para legal services will provide them a binding force in discharging the functions as follows:-providing legal aid and advice to victims or aggrieved persons; assisting the litigants to resolve their disputes through mutual settlement or compromise; helping the Legal Aid Authorities, Tribunal, Committees etc. in organizing Lok Adalats; assisting the poor, indigent and weaker sections of society in getting justice through public interest litigation; generating legal awareness among the public.

The para-legal services can play a pivotal role in bringing justice to the door steps of the common man through intensive legal literacy and legal awareness programmes. The basic object of para-legal services is to make the general masses conscious about their fundamental rights to justice, freedom and equality which the constitution of India has guaranteed to every citizen. The concept of justice includes within it not only human justice, but also socio-economic and political justice.

It must be recognized the justice in modern days is one of the greatest ideals of humanity. Access to justice in a litigation oriented legal system is obstructed by certain barriers and para-legal services are one of the most practical and effective measures to remove these barriers through a massive legal awareness programme. Para legal services may thus serve as a viable alternative to the formal court system at a pre-litigation stage. Legal aid and advice is to undoubtedly one of the most important devices to ensure universal access to law and justice to everyone whose constitutional or fundamental rights are violated.\(^{462}\)

6.3.1 Andhra Pradesh State Legal Service Authority: Para Legal Services

- One of the objectives of the ‘Policy For Access To Justice For All’ formulated by the A.P. State Legal Services Authority is development of “Para – Legal Services” for the purpose of imparting legal awareness to various target groups of Para Legal Volunteers who in turn bring legal awareness to all section of people.

- Identification Of Para Legal Volunteers

Para Legal Volunteers are to be identified from the legal following target groups:


The Para Legal System is launched for the purpose of training individuals to assist in making legal services available to the poor. A Para Legal is a person qualified through education and training to be conversant with legal work and
knowledge of basic legal concepts. A person may be authorized by administrative, statutory or court authority to perform the services of a Para Legal Volunteer.\textsuperscript{463}

Andhra Pradesh Judiciary through the State Legal Services Authority has taken a momentous decision to train Para Legal volunteers by formulating comprehensive modalities. The Para Legal Volunteers are issued identity cards to assist them in the discharge of their duties. Their services are purely voluntary. They are trained by the District Judiciary under the direct supervision of District Judge. The programme is coordinate by a Judicial Officer of the rank of Senior Civil Judge who is posted as full time Secretary of the District Legal Service Authority. Judicial Officers, Senior and young Advocates, Women Advocates, academicians, heads of different government departments at the district level act as trainers.

The Services of a Para Legal Volunteers can be categorized into four parts: Dissemination of Legal Information\textsuperscript{464}, Assisting the Needy, Settlement of disputes; and performing the role of social activist.

Apart from dissemination of legal information, a Para Legal Volunteer would actively assist the needy person in the following manner. Victim support- many a time, justice process has the potential of re-victimizing the victim. There is a perception that victims and witnesses are on trial rather than the suspect. Therefore, the victims have to provided with legal assistance right from the police station till the end of the case.

The Services of a Para Legal Volunteer are vital in this context. He would ensure Lodging of prompt complaint to police, Medical assistance to victim; and

\textsuperscript{463} A.P State Legal Service Authority Booklet Hyd
Suitable steps to protect victims and witnesses from intimidation and retaliation, Document preparation – Such as filing of F.I.R., presenting a Petition / Affidavit before Public Authority etc., Investigation of cases at Pre-litigation stage; Recognize and evaluate relevant facts, Obtaining necessary documents from courts and offices, Helping the accused to seek bail and legal aid wherever necessary to defend him. Last but not the least, a Para Legal Volunteer acts as a conciliator/mediator/counselor in resolving the disputes, more particularly, family disputes.

PROCEDURE RELATING TO TRAINING:

The Legal Services Authorities Act 1987, Rules and Regulations framed there under should be an integral part of the training programme. Para-Legal Volunteer’s training programme is to be conducted under the supervision of the Chairman and Secretary of the TLSC, in consultation with the DLSA. As soon as the training is completed, the TLSC shall send a list of volunteers their names, address and contact details to the DLSA. A consolidated list of Para-Legal Volunteers in the district shall be prepared by the DLSA and submitted to the State Authority.

A review meeting of the Volunteers shall be conducted by the TLSC once in three months and a report shall be submitted to the DLSA within a week. A copy of the report shall be sent to the State Authority also. The TLSC may devise its own plan of action for utilization of the services of the Para-Legal Volunteers. The DLSA may allot a maximum of Rs.2000/- to the TLSC for each training session for providing refreshments to the trainees. The TLSC may utilize the services of serving/retired judicial officers, law teachers, lawyers, law students, revenue officials, officers of the social welfare department and the law graduates among the court staff as resource persons for the training programme.
Para Legal Volunteer would support and participate in the delivery of pro bono publico services directed toward implementing and empowering access to justice.\textsuperscript{465} The basic knowledge of law imparted by para-legals to common man would help her to identify his legal problems and solve them within the community itself without resorting to litigation which is dialatory and highly expansive process. Well trained para-legal workers can educate the masses about the various social welfare law and other legislations dealing with employer and employees, landlord and tenants, buyer and seller, and those related related to untouchability, bonded labour, marriage and divorce, succession, adoption, tenancy, minorities and so on.

\textbf{Para-Legal Volunteers Scheme:} \textsuperscript{466}

\begin{itemize}
\item \textsuperscript{466} http://nalsa.in
\item Para Legal Volunteer Scheme To make people aware of the nature of their disputes/issues/problems and inform them that they can approach the TLSC/DLSA/HCLSC/SLSA/SCLSC and that they can resolve the dispute/issue/problems through these institutions.
\item To keep a watch on transgressions of law or acts of injustice in their area of operation and bring them immediately to the notice of the TLSC through telephonic message or a written communication or in person to enable effective remedial action by the Committee. Para-Legal Volunteers shall assist the DLSA/TLSC for organizing legal awareness camps in their area of operation.
\item To give information to the people of their locality about the legal services activities of SLSA/DLSA/TLSC/HCLSC/SCLSC and shall provide their addresses to the people so as to enable them to utilize the free services rendered by the above organizations to the eligible persons.
\item To generate awareness among people about the benefits of settlement of disputes through Lok Adalats, Conciliation, Mediation and Arbitration
\item To propagate the facility of Pre-Litigation petitions in the TLSC/DLSA for inexpensive settlement of disputes.
\item To create awareness among citizens that if pending cases are settled through Lok Adalats the parties are entitled to refund of Court fee and that there is no appeal.
\item To make people aware of the benefits of inexpensive settlement of disputes relating to Public Utility Services like P&T, Telephones, Electricity, Water Supply, insurance and hospital services through Permanent Lok Adalats (PLA).
\item To submit monthly reports of their activities to the TLSC.
\end{itemize}
Duties of Trained Para-Legal Volunteers

- To educate people, especially those belonging to weaker sections of the society to enable them to be aware of the right to live with human dignity, to enjoy all the Constitutionally and statutorily guaranteed rights, performing the duties and discharging obligations as per law.

Reasonable expenses incurred by Para-Legal Volunteers e.g. Bus/Train fare, Postage, Telephone charges etc., may be reimbursed by the TLSC/DLSA/SLSA, on production of proof and receipts may be obtained. Travel expenses limited to the lowest class by road/rail/steamer of the legal aid beneficiaries brought by the Para-Legal Volunteers also may be reimbursed at the discretion of the Chairman.

Number of Para-Legal Volunteers (PLVs) to be identified by the District Legal Services Authorities and Taluk Legal Services Committees:

The Para-Legal Volunteers (PLVs) to be identified by the District Legal Services Authorities (DLSAs) shall be 100. The number of PLVs to be identified by the Taluk Legal Services Committees (TLSCs) shall be 50.

Monthly reports by Para-Legal Volunteers:

The PLVs shall submit monthly reports to the TLSCs and DLSAs as the case may be. The DLSAs shall collect reports from the TLSCs/Sub-Divisional Legal Services Committees and shall send such reports along with the reports of PLVs of DLSAs to the SLSAs. The SLSAs may fix a date in every month as the last date for submitting such reports.

- To see that publicity materials of legal services activities are exhibited at prominent places in there are of activity.
Honorarium to the Para-Legal Volunteers\textsuperscript{467}.

An honorarium of Rs.250/- per day may be paid to all PLVs engaged for specific works like going to the remote villages, distribution of legal literacy materials, attending the legal aid clinics and ‘front offices’ of the Legal Services Institutions. In addition to the honorarium mentioned in Clause (a) above, where the PLVs have to undergo expenses for travel to places outside his / her base, the Legal Services Institutions would have to meet such expenses. The rate of daily honorarium payable to the PLVs for the aforementioned engagements in the metro cities may be as determined by the SLSAs.

Identity cards for the PLVs. The identify cards issued to the PLVs would be valid initially for a period of one year only. The identify cards of PLVs shall specify the date of its expiry in the card itself.

Law Students:Para legal services

Para-legal services as one of the essential components of practical training for the law students at the degree level is aimed at providing the up-coming lawyers a background for understanding the basics of law and prepare them for a supporting role in the justice delivery system. The involvement of law student in para-legal work would enable them to know the social and legal aspects of the problems which they encounter in course of their field study. Para-legal training as a clinical programme is undoubtedly an excellent strategy for promoting professionalism among the law students\textsuperscript{468} as it involves service to community while learning. The States of Gujarat and Maharashtra have started para-legal training programmes for local lawyers, police personnel, prison officials, NGO’s etc.

\textsuperscript{467} Amendments Brought In As Per The Decision Taken By The Central Authority of Nalsa on 03.05.2011
\textsuperscript{468} Supra note 76 at 303-304.
Professor N.R. Madhav Menon, has very succinctly enumerated six major benefits of the para-legal education to the students of law. They include (1) cultivation of interests (2) development of attitudes (3) imparting of skills (4) value clarification (5) training in ethical decision making; and (6) infusion confidence and sense of responsibility.

The law students involved in para-legal services may play an important role in convincing the people about the futility of Court litigation and motivation them to settle their disputes amicably through alternate dispute resolution methods. Justice V.R. Krishna Iyer, rendering of para-legal services is beneficial not only to the society but also to law students who render such services. It will enable them to attain the professional knowledge which is necessary for success in legal profession. According to him, “having seen slums and rural squalor in their draining impact, the law students, when he becomes a full-fledged lawyer, will no longer see clients as mere facts of the case, but living neighbours and friends in trouble. For him, a litigation will cease to be cerebral cricket match but a human drama in the law. He will be a trained hand in legal aid service who will give a necessary social ideology to the profession.”

Besides the conventional disputes redressal forums, para-legal services may services as a viable substitute for law Courts by persuading the disputants to settle their cases by mutual negotiations at pre-litigation stage. Alternative Dispute Resolution (ADR) mechanism which is gaining sufficient primacy in recent years may be suggested as a useful tool for the redressal of disputes, which are of civil nature.

Sociologically viewed, law is a social service of a specialized type. Therefore, the thrust should be on making legal education “dynamic as never before” and
achieving excellence in motivating law students to participate in the community oriented programmes through para-legal field work and practical training. Social Service Bodies have an important role in promoting legal justice.

**Rotary club, Lions, Club : legal aid wings**

Presently even service clubs like Rotary club, Lions, Club etc are forming legal aid wings consisting of their lawyer members and help the poor who have cases and grievances but not the money to secure the legal services. Such organisations should also receive recognition by the statutory authority in the field of legal aid. The sole aim and object of starting and running the Legal Aid clinics and Legal Literacy Clubs is to educate, enlighten and create awareness among the people belonging to weaker sections, particularly scheduled caste, scheduled tribes, economically backward classes, women and minorities who are illiterate and had been suffering social disabilities and economic inequalities for centuries together and make them known the existence of the legal rights and privileges for whose benefits the Legal Aid Schemes and programmes were established by the State. The voluntary services offered by the retired judicial officers. Senior Advocates, Social Workers and Social institutes can be utilised in extending the benefits of the Legal Aid to the poor including public interest litigation. Further the voluntary agencies should also train para-legal workers or barefoot lawyers, conducting of Legal Aid seminars, workshop for workers, publication of legal literacy pamphlets and leaflets in various languages to defend public interest litigation.

Cultural institution organized legal awareness camp at universal public school, Visakhapatnam. On 20.5.2007.D.Vidhya Prasad Chairman, District Legal Services Authorities VSP, Secretary, B.RamaRao, and members created awareness as to the object of Legal Services Authorities Act, 1987 advantages of lokAdalat rights of the people.
Know the law: Students present a cultural programme on the occasion of National Legal Services Day under the aegis of District Legal Services Authority in Visakhapatnam on Wednesday (A DC photograph)
Cultural institution in collaboration with DLSA Visakhapatnam organized legal awareness camp. Legal aid clinic was inaugurated by chairmen of DLSA (sri B. Vidya SagarGaru) VSP. The object of the clinic is to give Advice. ". If a person is well advised, litigation can be avoided at the earliest stage of dispute. A case gets spoiled if legal advice is given at a very late stage. Several cases go before courts because of lack of proper advice at the proper time, which results in waste of time, energy and resources, and this is more particularly with the illiterate and poor persons or persons of meager means or persons belonging to weaker sections of the society.
Cultural Institution in collaboration with DLSA Vzm, organized legal awareness camp on 2005 Chairman of DLSA Sri.TirupatiReddy ,Sri Anand Rao ,principal ,police Training College ,Vzm with the object to disseminate information of legal rights and remedies available to Weaker section of the society under various social welfare legislations.

Legal awareness camp was organized at VZM Secretary ,of DLSA Sri,Anjaneya Sarma ,Senior Advocate S.S.S.Raju , Sri B.L. Narasingarao advocate, social activist , member of DLSA vzm participated apart from a large number of public. The students sung a Legal literacy song.

Cultural Institution organized legal awareness camp on 2007  at Lion’s Community hall , VSP, Justice Sita Rama, Sri .A. Somayajulu, Principal Dr. Ambedkar Law College, Andhra University, Waltair, President of Bar Association

Counseling

ADR Technique, counseling was role played by the organizers. Family councils in the matrimonial disputes and assistance in settling disputes at pre-litigation stage itself
Cultural institution celebrated International Women’s Day at Vzm on March 8th 2008, by organizing legal awareness camp and Legal Literacy campaigns for the legal empowerment of women. Smt. Kanaka Durga, Magistrate,
6.3.1.1 Voluntary Organizations Public Interest Litigation cases to promote social justice

The Voluntary Organisation through PIL Cases provides Access to justice to people. The Supreme court Accepting PIL’s protected the rights of arrested person, pavement dwellers, child, women, health, monuments and put a check on arbitrary exercise of powers by the govt officials.

Protection of the rights of arrested person.

D.K. Basu⁴⁶⁹, Executive Chairman of the legal aid services a non-political organisation, West Bengal through PIL addressed a letter to the Chief Justice, regarding death in police lock-ups and custody. The supreme court treated the letter as writ petition laid down guide lines to be followed by the Central and State Investigating and Security in all cases of arrest and detention. Rural Litigation Entitlement Kendra V. State of U.P.⁴⁷⁰ The Dehradun lime quarries case is a landmark case in involving in environmental and eco-imbalances problems in environmental law. The RLEK a voluntary organisation through letter to supreme court alleged about the haphazard and dangerous limestone quarrying practices in the Massorie Hill Range of Himalayas causing damage ecology due to transportation activity creating noise pollution, air pollution, vibration and spread of debris of mines. The court ordered the closure of certain lime stone quarries on the ground that there were serious deficiencies regarding safety and hazards in them. Supreme Court held in⁴⁷¹ the Public Interest Litigation filed by a human right activist fighting for general public interest that it is a paramount obligation of every member of medical

⁴⁶⁹ D.K. Basu Vs. State of West Bengal AIR 1997 SC 610
⁴⁷⁰ Rural Litigation Entitlement Kendra V. State of U.P. 1986 Supp SCC 517
⁴⁷¹ Parmanand Katara V. Union of India - AIR 1989, SC 2039
profession to give medical aid to every injured citizen as soon as possible without waiting for any procedural formalities. Public Interest Litigation filed by registered voluntary organisation regarding economic degradation in coastal area. Supreme Court issued appropriate orders and directions for enforcing the laws to protect ecology.  

**People’s Union for Civil Liberties v Union of India**⁴⁷³ has ruled that fake encounter by the police is violative of Article 21 of the Constitution. Therefore, where it is proved that any person has been killed by the Police in fake encounter, the State may be directed to pay compensation and the State shall not be allowed raised the plea of sovereign immunity.

**Indian Council for Enviro legal Action v Union of India**⁴⁷⁴ The supreme court gave directions for the prevention of industrial pollution. The higher judiciary has shown initiative in invoking the doctrine of Public Trust to impose penalties and set aside the benefits distributed by certain ministers to themselves or their favourites.

Thus in a PIL petition filed in Common Cause (A Regd. Society) v Union of India⁴⁷⁵ Shri N.D.Shourie, the Director of “Common Cause” invited Supreme Court’s attention to a news item dated 11.8.1995 in Indian Express under the caption, “In Satish Sharma’s Reign, Patrol and Patronage Flow Together.” The Court found that the allotments made by Capt. Sharma were arbitrary, discriminatory, mala fide, wholly illegal and as such liable to be quashed. The Court, therefore, ordered the cancellation of all the fifteen allotments of Petrol Pumps / gas agencies with

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⁴⁷² Council For Environment Legal Action V. Union Of India - (1996)5 SCC281  
⁴⁷³ People’s Union for Civil Liberties v Union of India AIR 1997 SC 1203  
⁴⁷⁴ Indian Council for Environlegal Action v Union of India AIR 1999 SC 1502  
⁴⁷⁵ Common Cause (A Regd. Society) v Union of India AIR 1996 SC 3538
immediate effect and asked Satish Sharma to show cause within two weeks as to why a direction be not issued to the police authority to register a case and initiate prosecution against him for criminal breach of trust or any other offence under the law. The Apex Court placed on record its appreciation for Shri H.D.Shourie, who, very ably, assisted the Court in the matter and therefore, awarded him cost of 50,000/- which was to be paid by Capt. Satish Sharma personally.

A report entitled "Treat Prisoners Equally HC" published in THE TRIBUNE, Aug 23 Punjab & Haryana High Court quashed the provisions of jail manual dividing prisoners into A, B & C classes after holding that there cannot be any classification of convicts on the basis of their social status, education or habit of living .This is a remarkable ruling given by High Court by declaring 576-A paragraph of the manual to be " Unconstitutional".

_Bachpan Bachao Andolan v Union of India (SCJ 2011 p.532)_

Recently, the Supreme Court in the case of Bachpan Bachao Andolan v Union of India took serious note of the plight of the children in Indian circuses in which most of the exploited children were girls. While disposing the writ petition filed in public interest under Article 32 of the Constitution in the wake of serious violations and abuse of children physically, emotionally and sexually who are detained in circuses and under inhuman needs of food and water. This is writ petition filed

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476 http://www.sit.edu/global_capacity/gpdocs/articles/india.html,
http://www.sscnet.ucla.edu/southasia/History/SocialPol/spmove.html,
477 Bachpan Bachao Andolan v Union of India (SCJ 2011 p.532)
following an incident where the petitioner rescued 18 girls from a circus upon a complaint made by a 12 year old girl who managed to escape from the circus premises. The most appalling aspect is that there is no direct legislation, which is vested with powers to deal with the problems of the children who are trafficked in to these circuses. The employment of the children in circus involves may legal complications it deprives children’s right to education enshrined under Article 21 A of the Constitution of India and violation of statutory provisions of law like Employment and Children’s Act, 1938, The Child Labour (Prohibition and Regulation) Act, 1986, the prevention of Immoral Traffic Act, the Juvenile Justice (Care and Protection of Children) Act, 2000.

The Petitioner as filed the petition praying for issue of writ of mandamus or any other appropriate writ, order or direction, directing the respondents to frame appropriate guidelines for the persons engaged in circuses, to conduct raids in all the circuses by CBI to liberate the children and to check the gross violation of all fundamental rights of the children and to appoint Special Forces in the borders to ensure action and to check on the cross border trafficking.

The Honb’le Supreme Court of India has banned Child Labour in Indian Circuses. In its land mark judgment the court has directed the Union Government to
issue a suitable notification in this respect and has further asked to recover and rescue all the children from circuses.

**People’s Union for Civil Liberties (PUCL) v. Union of India**[^478] had issued orders dated November 28, 2001 that all the State Government and Union Territories should introduce mid-day meal scheme by providing every child in each Government and Government-aided school, prepared mid-day meal with a minimum of 300 calories and 8-12 grams of Protein for minimum 20 days in a month. However, in 2004 it was noticed that the States of U.P., Bihar, Jharkhand, Haryana and Assam had not implemented the mid-day meal scheme and the State of Orissa, West Bengal, Delhi, Chandigarh, Uttaranchal, Arunachal Pradesh and Himachal Pradesh had introduced it only partially. Therefore, the apex Court again had to issue order ([2004]5 Scale 128) in this regard on April 20, 2004. The Court held that poverty and ill health constitute a threat to dignity and worth of the human person.

**Rakesh Chandra v. State of Bihar**[^479] two public spirited citizens of Patna filed a PIL petition before the Supreme Court complaining gross mis-management in the Mental Hospital located near Ranchi. The Court appointed a Management Committee for removing the irregularities in the working of the mental hospital in order to improve its management.

**Beggar and other forms of forced Labour; Judicial Approach**

The Apex court treating the letters as writ petition issued directions to the states to prevent exploitation of bonded labour. **Bandhua Mukti Morcha v. Union of India**[^480] is a landmark decision in the area of bonded labour wherein the Supreme

[^478]: People’s Union for Civil Liberties (PUCL) v. Union of India 2001)7 SCALE 454
[^479]: Rakesh Chandra v. State of Bihar AIR 1990 SC 348
[^480]: AIR,1984 SC 803
Court has stretched its protective arms to various aspects viz., its identification, release and rehabilitation. It is, however, distressing to note that the Government of Haryana, instead of helping the court to undo the evil, came forward with its usual bureaucratic way and took strictly legalistic and formalistic stand before the court.

This case on the one hand demonstrates the benevolence of the Supreme Court for the downtrodden, and on the other, the callousness of the executive for such vulnerable sections of society. Justice R.S. Pathak and Amarendranath. Sen declared that PIL through letters must be addressed to the Supreme Court of India and it should be entertained only after proper materials supplied by the petitioners to provide easy access to the courts.

The court interpreted the provisions of the Bonded Labour System (Abolition) Act, 1976 in its true spirit in view of the socio-economic conditions of the bonded labourers to give them the benefits of social welfare legislation. Directed the State Government to take steps to improve the working conditions of the workmen.

**Neeraja Chaudhary V. State of M.P** vividly depicts the futility of directions by the court and the apathy on the part of the administration towards the released bonded labourers. In this case, about 135 bonded labourers, who were working in the stone quarries in Faridabad, had been released from bondage by the Supreme Court by an order made in the first week of March, 1982 and on release they had been brought back to their respective villages in Bilaspur district of the State of Madhya Pradesh, for rehabilitation. The court also directed the state government to provide rehabilitative assistance to 135 freed bonded labourers within one month from the date of judgment.

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481 AIR1984SC1093
Again the Supreme Court in P. Sivaswamy v. State of Andhra Pradesh\textsuperscript{482} deprecated the attitude of the state government as it failed to implement the provisions of the Bonded Labour System (Abolition) Act, 1976 and the failure to provide effective rehabilitation of identified bonded labour. The Supreme Court directed the Union of India to release adequate funds under the scheme framed under the Bonded Labour System (Abolition) Act, 1976 within four weeks.\textsuperscript{483}

In Mukesh Advani v. State of M.P\textsuperscript{484} a social activist invoked the “epistolary jurisdiction” of the Supreme Court under Article 32 by annexing a cutting from a newspaper and brought to the notice of the court, the sad state of bonded labourers working in stone quarries at Raisen in Madhya Pradesh. These labourers were brought to the mines from Tamil Nadu by the contractors and were subjected to permanent bondage with no housing, no Medicare, no leisure and meager wages just to survive in unhealthy conditions. The court appointed the district judge, Bhopal to investigate and report. The judge reported total negation of labour laws to the workers in the Stone quarries. As all the labourers were liberated at the time of investigation by District Judge, the court issued only the directions to the Central and State Government to prevent recurrence of bonded labour system in the State of Madhya Pradesh and to take suitable steps for implementation of labour law.

\subsection*{6.4 Conclusion:}

It is indeed paradoxical that the legal system requires the services of professional lawyers for its effective use and at the same time keeps such services beyond the reach of the average man, it is necessary to wage a war on poverty through the effective and potential means of legal aid. It is certain that no scheme of

\begin{itemize}
\item \textsuperscript{482} P. Sivaswamy v. State of Andhra Pradesh 1988LabI1680sc
\item \textsuperscript{483} Balram V. State of M.P.1989Supp2SCC19
\item \textsuperscript{484} Mukesh Advani v. State of M.P .AIR 1985 SC 1368
\end{itemize}
legal aid can function effectively without the active assistance co-operation and dedication of the lawyers.

In Modern times, Legal Education besides professional education, must be socially engaged. This means that legal education programs must compulsorily expose students to the problems of poverty, social exclusion, social change and environmental degradation through clinical legal education. Modern clinical legal education introduced the new clinical teaching methodology through the establishment of legal aid clinics, in which law students provide various forms of legal aid services, i.e. legal advice. Permanent legal aid clinics attached to law colleges and law universities their institutions and the legal aid clinics so established will function with the coordination of State legal Services Authorities. Democracy can effectively flourish only when people know their rights and privileges and duties and responsibilities. Ignorance and illiteracy are a threat to the democratic system. It is the bounden duty of a welfare state to rid the people of the triple yoke of ignorance, tyranny and corruption, which always travel together. The informal dissemination of information about duties, rights and redressal can be achieved if we could also rope in the service of the voluntary organizations. All they need is guidance, supervision and motivation.